

So Ordered.



Patricia C. Williams
Patricia C. Williams
Bankruptcy Judge

Dated: August 20th, 2013

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

LLS AMERICA, LLC,

Debtor(s).

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff(s),

vs.

MARK BIGELOW, et al.,

Defendant(s).

DC No. 11-CV-357-RMP

Case No. 09-06194-PCW11

Adversary No. 11-80299-PCW11

REPORT AND RECOMMENDATION
RE: PLAINTIFF'S MOTION FOR
ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANTS DAVID
MARSHALL WOOD AND AMANDA
WOOD (ECF NO. 466)

The Honorable Patricia C. Williams, sitting in the United States Bankruptcy Court for the Eastern District of Washington, hereby files this Report and Recommendation regarding plaintiff's Motion for Entry of Default Judgment Against Defendants David Marshall Wood and Amanda Wood (ECF No. 466) filed with the bankruptcy court in this adversary proceeding.

1 This Report and Recommendation is made pursuant to the Honorable Rosanna
2 Malouf Peterson's Order Withdrawing the Reference and Referring to Bankruptcy
3 Court for Further Proceedings entered on April 25, 2012 (ECF No. 28) in district court
4 case No. 11-CV-357-RMP.

5 The recommendation is that plaintiff's Motion for Entry of Default Judgment
6 Against Defendants David Marshall Wood and Amanda Wood (ECF No. 466) be
7 granted and the attached Default Judgment be entered in this adversary proceeding.
8 The basis for this recommendation is that an Order of Default was entered by the
9 bankruptcy court on July 17, 2013 (ECF No. 412).

10 ///END OF REPORT AND RECOMMENDATION///
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Shelley N. Ripley, WSBA No. 28901
Daniel J. Gibbons, WSBA No. 33036
WITHERSPOON • KELLEY
422 W. Riverside, Suite 1100
Spokane, WA 99201
Telephone: (509) 624-5265; Facsimile: (509) 458-2717
Attorneys to Bruce P. Kriegman, Chapter 11 Trustee

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

In Re:

LLS AMERICA, LLC,

Debtor.

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America LLC,

Plaintiff,

v.

MARK BIGELOW, et al.,

Defendants.

US District Case No. 11-CV-357-RMP

Bankruptcy No. 09-06194-PCW11

Adversary No. 11-80299-PCW 11

**DEFAULT JUDGMENT AGAINST
DEFENDANTS DAVID MARSHALL
WOOD AND AMANDA WOOD**

JUDGMENT SUMMARY

Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the
Liquidating Trustee under the Confirmed Plan of
the Debtor

Attorneys for Witherspoon Kelley
Judgment Creditor:

DEFAULT JUDGMENT- 1

{S0746519; 1 }



WITHERSPOON • KELLEY

Attorneys & Counselors

422 W. Riverside Avenue, Suite 1100 Phone: 509.624.5265
Spokane, Washington 99201-0300 Fax: 509.458.2728

Judgment Debtor: David Marshall Wood and Amanda Wood

Principal Amount of Judgment: \$93,834.68 CAD
\$ 250.00 US

Interest on Judgment: Weekly Average of One-Year Constant Maturity
(nominal) treasury yield as published by the
Federal Reserve System (28 USC § 1961)

This Court having previously entered an Order of Default against Defendants David Marshall Wood and Amanda Wood (Adv. Doc. No. 412), and having reviewed the previously filed Memorandum of Authorities (Adv. Doc. No. 368) and Affidavit of Curtis Frye (Adv. Doc. No. 369), and the Affidavit of Shelley N. Ripley in Support of Plaintiff's Motion for Default Judgment filed herewith, and being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC, shall have a judgment against the Defendants David Marshall Wood and Amanda Wood, as follows:

1. Monetary Judgment in the amount of CAD \$93,834.86, pursuant to 11 U.S.C. § 550 and RCW 19.40.071;

2. Transfers in the amount of CAD \$93834.86 made to the Defendants within four years prior to the Petition Filing Date are hereby avoided and Plaintiff



1 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,
2 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

3 3. All said transfers to Defendants David Marshall Wood and Amanda
4 Wood are hereby set aside and Plaintiff shall be entitled to recover the same, or
5 the value thereof, from Defendants David Marshall Wood and Amanda Wood for
6 the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550 and
7 551;
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10 4. All proofs of claim of the Defendants which have been filed or
11 brought or which may hereafter be filed or brought by, on behalf of, or for the
12 benefit of Defendants David Marshall Wood and Amanda Wood or their affiliated
13 entities, against the Debtor's estate, in this bankruptcy or related bankruptcy
14 proceedings, are hereby disallowed and subordinated to the monetary judgment
15 granted herein and Defendants David Marshall Wood and Amanda Wood shall
16 not be entitled to collect on their proof of claim (Claim No. 654-1) until the
17 monetary judgment is satisfied by Defendants David Marshall Wood and Amanda
18 Wood in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and 105(a);
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22 5. A constructive trust is hereby established over the proceeds of all
23 transfers in favor of the Trustee for the benefit of the estate of LLS America; and
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6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00 USD, for a total judgment of CAD \$93,834.86, plus \$250 USD, which shall bear interest equal to the weekly average of one-year constant maturity (nominal) treasury yield as published by the Federal Reserve System.

Entered this ____ day of _____, 2013.

HONORABLE ROSANNA PETERSON

Presented by:

WITHERSPOON • KELLEY

s/ Shelley N. Ripley

Shelley N. Ripley, WSBA No. 28901

Daniel J. Gibbons, WSBA No. 33036

Attorneys for Bruce Kriegman, Chapter 11 Trustee

